

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EUNICE E. TAYLOR,

3:11-cv-01551-ST

Plaintiff,

ORDER

v.

KAISER FOUNDATION HEALTH PLAN
OF THE NORTHWEST, an Oregon
non-profit corporation, GAYLE
M. LITTLEJOHN, and EBONY S.
SAGE,

Defendants.

MARSH, Judge

Magistrate Judge Stewart issued a Findings and Recommendation on February 28, 2013, recommending that defendants' Supplemental Motion for Attorney Fees (#47) be granted in part and denied in part, and that defendants accordingly be awarded \$29,319.08 in attorney's fees. Judge Stewart recommended that an Order be entered allowing defendants to use the amount due to plaintiff under the Settlement Agreement to first satisfy the \$18,277.23 owed to plaintiff's former attorney, David Park, and then to set off defendants' award of attorney's fees from the remaining balance.

Any remaining balance on the amount owed to plaintiff under the Settlement Agreement must be paid to plaintiff. Judge Stewart also recommended that in the event the amount owed to plaintiff under the Settlement Agreement is insufficient to fully satisfy defendants' attorney's fees award, defendants will not be awarded judgment against plaintiff.

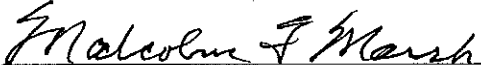
The matter is now before me pursuant to 28 U.S.C. § 636(b) (1) and Fed. R. Civ. P. 72(b). No objections have been timely filed. When neither party objects to a Magistrate Judge's Findings and Recommendation, this court is relieved of its obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, I find no error.

Accordingly, I ADOPT Judge Stewart's Findings and Recommendation (#52). IT IS ORDERED that defendants' Supplemental Motion for Attorney Fees is GRANTED IN PART and DENIED IN PART. Defendants are awarded \$29,319.08 in attorney's fees. IT IS FURTHER ORDERED that defendants shall use the amount due to plaintiff under the Settlement Agreement to first satisfy the \$18,277.23 owed to David Park. Defendants may then satisfy their award of attorney's fees from the balance owed to plaintiff under the Settlement Agreement. Any remaining balance owed to plaintiff under the Settlement Agreement shall be paid to plaintiff. In the

event the amount owed to plaintiff under the Settlement Agreement is insufficient to satisfy defendants' award of attorney's fees, defendants will not be awarded judgment against plaintiff.

IT IS SO ORDERED.

DATED this 22 day of March, 2013.



Malcolm F. Marsh
United States District Judge